

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1122-C - ORDER NO. 95-1614 ✓
OCTOBER 31, 1995

IN RE: Request of BellSouth Telecommunications,)	ORDER
Inc. for a Certificate of Public Convenience)	GRANTING
and Necessity to Provide Inmate Telephone)	AUTHORITY
Services at the Ridgeland Correctional)	
Facility.)	

This matter is before the Public Service Commission of South Carolina (the Commission) on the Application of BellSouth Telecommunications, Inc. (BellSouth or the Company) for a Certificate of Public Convenience and Necessity to provide Inmate Telephone Services at the Ridgeland Correctional Facility. BellSouth will provide this service over local exchange carrier (LEC) facilities and facilities leased from other carriers.

The Commission's Executive Director ordered the Company to publish, one time, a Notice of Filing in newspapers of general circulation in the area in which the service would be utilized. BellSouth furnished affidavits showing that the Executive Director's order had been carried out.

A hearing was held on this matter on October 18, 1995, with the Honorable Rudolph Mitchell, Chairman, presiding. BellSouth was represented by Robert A. Culpepper, Esquire, and William F. Austin, Esquire. BellSouth presented the testimony of David H.

Cockcroft. The South Carolina Public Communications Association (the Intervenor, SCPCA, or the Association) was represented by John F. Beach, Esquire. Beach presented the testimony of Clifton Craig. The Commission Staff was represented by F. David Butler, General Counsel, and presented no witnesses.

BellSouth presented the testimony of David H. Cockcroft, who described the Company's Application to provide Inmate Telephone Service at Ridgeland Correctional Facility, which is outside of BellSouth's franchised territory in South Carolina. BellSouth is requesting the Certificate to meet the needs of the South Carolina State Department of Corrections. BellSouth noted in its testimony that it had a specific request from the State Department of Corrections to seek authority to provide Inmate Telephone Service at the Ridgeland Correctional Facility. Cockcroft noted the Company's qualifications to provide the service, and that it is the largest pay telephone provider in the State of South Carolina, Cockcroft believes that BellSouth is qualified to provide the service if the business is awarded to BellSouth.

SCPCA presented the testimony of Clifton Craig. Craig stated that the Association had no objection to BellSouth receiving the requested authority, as long as several verifiable safeguards were present to protect South Carolina's consumers of telecommunications services. The Association recommended that the Commission require BellSouth to operate under the same operational rules as independent payphone providers. According to Craig, in summary, BellSouth should be given no preferential treatment by

LECs in its interconnection to the telecommunications network. Furthermore, BellSouth should be required to abide by all the same COCOT and operator service guidelines that apply to other carriers. Most significantly, according to Craig, BellSouth must be prohibited from cross-subsidizing its COCOT or Inmate Telephone Services with profits that earns from monopoly services provided within its franchise local service area.

Craig then presented a number of specific safeguards that the Association felt should be imposed on BellSouth if the requested Certificate is granted.

First, according to Craig, BellSouth should be required to abide by the applicable Modified Final Judgment (MFJ) restrictions regarding the carriage of interLATA interstate or international calls originated from the Ridgeland Correctional Facility.

Second, BellSouth should be required to purchase its access lines to provide the subject Inmate Telephone Service from the LEC serving the local area in which Ridgeland is located, which, in this case, is United Telephone Company of the Carolinas.

Third, the net revenues collected by BellSouth from the provision of the subject Inmate Telephone Service, after subtracting all Commission payments must exceed BellSouth's total cost to providing the subject Inmate Telephone Service.

Fourth, the Association stated that all local and intraLATA traffic should be carried exclusively by the LEC serving the local exchange area in which Ridgeland is located. BellSouth should be required to pay that LEC the same rates and charges for

intraLATA traffic originating at the Ridgeland Correctional Facility as the LEC charges for intraLATA traffic originated from its other COCOT customer locations.

Fifth, any interested party should have the right to petition the Commission to enforce compliance with these requirements.

Sixth, for any service any provided outside its local service area, BellSouth must be bound by the Commission's applicable guidelines, rules and regulations, that any COCOT and/or Operator Service Provider and/or Inmate Telephone Service Provider must follow.

Seventh, for future Applications by BellSouth or its related entities to provide Inmate Telephone or COCOT Service outside of its current South Carolina local service areas, BellSouth should be bound by the same terms and conditions.

BellSouth witness Cockcroft was asked if BellSouth would abide by these guidelines, and Cockcroft agreed that the Company would be so bound.

Upon an examination of the entire record in this case, the Commission believes that the Certificate sought by BellSouth should be granted, with the safeguards as noted above, with one exception. During the hearing, BellSouth's witness Cockcroft agreed that all intraLATA traffic originating from the Ridgeland Correctional Facility will be carried exclusively by the local exchange company serving the Ridgeland service area. The Commission notes, however, that no such restriction exists for other providers of Inmate Telephone Service in South Carolina, who

may utilize authorized interexchange carriers for carriage of intraLATA calls. Access to these authorized interexchange carriers is generally through an access code, such as 10XXX or 1-800-XXX-XXXX. The Commission is informed that the SCPCA and BellSouth have agreed that this same method should be available to BellSouth for calls originating from the Ridgeland Correctional Facility.


The Commission believes that BellSouth is well qualified to provide the service, but that the safeguards as described by the SCPCA should be put into place, and should be enforced, with the exception of the carriage of intraLATA traffic by the LEC, as described above. Further, the Commission believes that the COCOT, Operator Service, and Inmate Service guidelines as established by this Commission should also apply to this service.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

Deputy

(SEAL)